



# California Regional Water Quality Control Board

## San Diego Region



Terry Tamminen  
Secretary for  
Environmental  
Protection

9174 Sky Park Court, Suite 100, San Diego, California 92123-4340  
(858) 467-2952 • Fax (858) 571-6972  
<http://www.swrcb.ca.gov/rwqcb9>

Arnold Schwarzenegger  
Governor

June 9, 2004

**Certified Mail Return Receipt Requested**  
7004 0750 0001 2691 3331

Mr. Robert DeNinno  
Southland Corporation  
10220 SW Greenberg Road, Suite 470  
Portland, Oregon 97223

In reply refer to: **CA:14-0795.02:melbf**

Dear Mr. DeNinno:

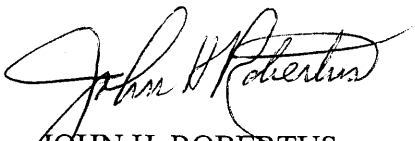
**Administrative Assessment of Mandatory Minimum Penalties Against Southland Corporation, 7-Eleven Store No. 20342, ACL MMP Order No. R9-2004-0113**

Enclosed is a copy of Order No. R9-2004-0113, *Administrative Assessment Of Civil Liability For Mandatory Minimum Penalties Against Southland Corporation, 7-Eleven Store No. 20342, Violation Of Order No. 96-41, NPDES No. CAG919002 General Waste Discharge Requirements For Groundwater Extraction And Similar Waste Discharges From Construction And Remediation Projects To Surface Waters Within The San Diego Region, Except For San Diego Bay* adopted by the California Regional Water Quality Control Board, San Diego Region (Regional Board) on May 12, 2004 in the amount of \$3,000. Pursuant to California Water Code section 13323 (d), payment of civil liability shall be made not later than thirty (30) days from the date of issuance by means of a check made payable to the California State Water Resources Control Board and delivered to the Regional Board. Administrative enforcement for noncompliance with Order No. R9-2004-0113 is severe and includes administrative civil liability of up to \$10,000 for each day in which the violation occurs, criminal prosecution or both.

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

If you have any questions, please contact Frank Melbourn at (858) 467-2973.

Sincerely,



JOHN H. ROBERTUS  
Executive Officer

JHR:mpm:mja:ftm

**California Environmental Protection Agency**

Recycled Paper



Mr. Robert DeNinno  
Southland Corporation  
7-Eleven Store No. 20342  
WDID No. 9 000000795  
ACL MMP Order No. R9-2004-0113

- 2 -

June 9, 2004

Enclosure: ACL MMP Order No. R9-2004-0113

Copy with

attachment to:

1. Sabine Knedlik, Regional Board
2. Kathi Moore, Chief  
Compliance Office  
U.S. Environmental Protection Agency, M.S. WTR-7  
75 Hawthorne Street  
San Francisco, California 94105
3. John Phillips, Regional Board
4. SECOR International Inc.  
2655 Camino Del Rio North, Suite 302  
San Diego, California, 92108

WDID No. 9 000000795

Enforcement Description	ID No.
MPO	87320

File: 14-0795.02

S:\Compliance Assurance\Enforcement Orders\MMPs\Southland Corp\Store 20342\R9-2004-0113 MMP ACL Order transmittal.doc

***California Environmental Protection Agency***

Recycled Paper



**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION**

**ORDER NO. R9-2004-0113  
ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY  
FOR  
MANDATORY MINIMUM PENALTIES  
AGAINST  
SOUTHLAND CORPORATION  
7-ELEVEN STORE NO. 20342  
VIOLATION  
OF  
ORDER NO. 96-41, NPDES NO. CAG919002  
GENERAL WASTE DISCHARGE REQUIREMENTS FOR GROUNDWATER  
EXTRACTION AND SIMILAR WASTE DISCHARGES FROM CONSTRUCTION AND  
REMEDATION PROJECTS TO SURFACE WATERS WITHIN  
THE SAN DIEGO REGION, EXCEPT FOR SAN DIEGO BAY**


The California Regional Water Quality Control Board, San Diego Region (hereafter Regional Board), having held a public hearing on May 12, 2004, to hear evidence and comments on the allegations contained in Complaint No. R9-2004-0059, dated February 26, 2004, and on the recommendation for administrative assessment of Civil Liability pursuant to California Water Code section 13385 in the amount of \$3,000, finds as follows:

1. Southland Corporation is the owner of 7-Eleven Store No. 20342 located at 487 Vandegrift Boulevard, Oceanside, California. On February 18, 1997, the Regional Board enrolled Southland Corporation under Order No. 96-41 to discharge remediated groundwater to the San Luis Rey River via the Storm Water Conveyance System (WDID No. 9 000000795).
2. On July 9, 2001 Southland Corporation violated Order No. 96-41, *NPDES No. CAG919002, General Waste Discharge Requirements For Groundwater Extraction And Similar Waste Discharges From Construction And Remediation Projects To Surface Waters Within The San Diego Region, Except For San Diego Bay*. This violation is due to an exceedance of the Total Nitrogen Discharge Specification as reported in the July 2001 Monthly Monitoring Report received by the Regional Board on August 30, 2001. The Discharge Specifications' section of Order No. 96-41 states that the Total Nitrogen Instantaneous Maximum is 2 mg/L. On July 9, 2001, Southland Corporation reported a Total Nitrogen Instantaneous Maximum result of 3.9 mg/L, 95% greater than the Discharge Specification. Water Code section 13385 requires imposition of a "mandatory minimum penalty" for this violation.
3. Water Code Section 13385(h)(2) states that a "serious violation" means any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements for a Group II pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 20 percent or more, or for a Group I pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 40 percent or more. Total Nitrogen is a Group I pollutant.

4. Consideration of the factors prescribed in California Water Code Section 13385(e) based upon information available to the Regional Board supports assessment of civil liability pursuant to Water Code section 13385(i) in the amount of \$3,000. Furthermore, Water Code Section 13385(h)(1) requires the Regional Board to assess a mandatory penalty of three thousand dollars (\$3,000) for each serious violation. Under Water Code section 13385(h) the amount of the mandatory minimum penalty that must be assessed is \$3,000 for the serious violation.
5. The Regional Board incurred costs totaling \$3,341, to prosecute this enforcement action; the costs include investigation, preparation of enforcement documents, and communication with the Discharger.
6. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000 et seq.) in accordance with Section 15321, Chapter 3, Title 14, California Code of Regulations.

**IT IS HEREBY ORDERED** that pursuant to section 13385 of the California Water Code, civil liability is imposed on Southland Corporation in the amount of three thousand dollars (\$3,000).

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order imposing civil liability assessed by the California Regional Water Quality Control Board, San Diego Region, on May 12, 2004.

  
JOHN H. ROBERTUS  
Executive Officer



# State Water Resources Control Board



**Terry Tamminen**  
Secretary for  
Environmental  
Protection

*The energy challenge facing California is real.  
Every Californian needs to take immediate action to reduce energy consumption.  
For a list of simple ways you can reduce demand and cut your energy costs, see our website at <http://www.swrcb.ca.gov>*

**Arnold  
Schwarzenegger**  
Governor

**To:**

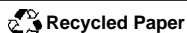
SOUTHLAND CORP  
10220 SW GREENBURG RD, STE 470  
PORTLAND, OR 97223  
ATTN: BOB DE NINNO

**Invoice No:** 45561  
**Invoice Date:** 05/17/2004  
**Enforcement Action ID:** 87364  
**Enforcement Order No:** R9-2004-0114

## INVOICE

Milestone ID	Description	Amount	Due Date
57696	LIABILITY AMOUNT	\$9,000.00	06/11/2004
<b>TOTAL AMOUNT DUE</b>		<b>\$9,000.00</b>	

### California Environmental Protection Agency



Retain above portion for your records

Please return bottom portion with your payment

SOUTHLAND CORP  
10220 SW GREENBURG RD, STE 470  
PORTLAND, OR 97223  
ATTN: BOB DE NINNO

Make your check payable to:

**State Water Resources Control Board**

Milestone ID	Description	Amount	Due Date
57696	LIABDUE	\$9,000.00	06/11/2004
<b>TOTAL AMOUNT DUE</b>		<b>\$9,000.00</b>	

Mail payment to:

**SWRCB ACCOUNTING**  
**ATTN: ENFORCEMENT**  
**P. O. Box 100**  
**SACRAMENTO, CA 95812-0100**

**Amount Enclosed: \$** \_\_\_\_\_

PLEASE PRINT THE FOLLOWING INVOICE NUMBER ON YOUR CHECK: **45561**

**Invoice Date:** 05/17/2004  
**Enforcement Action ID:** 87364  
**Enforcement Order No.:** R9-2004-0114